

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

JASON EUGENE MINCY,  
Plaintiff,

vs.

HAMILTON COUNTY  
JUSTICE CENTER, et al.,  
Defendants.

Case No. 1:20-cv-822  
Barrett, J.  
Litkovitz, M.J.

**ORDER AND REPORT  
AND RECOMMENDATION**

Plaintiff, a former inmate at the Hamilton County Justice Center (“HCJC”), brings this civil rights action under 42 U.S.C. § 1983 against HCJC, C/O Wade, C/O Tanni Ruthard, Lt. Murrell, and Nurse Elesson. (Doc. 3). On December 3, 2021, the Court adopted the Report and Recommendation of the undersigned magistrate judge recommending that plaintiff be granted leave to proceed against Sheriff Charmaine McGuffey [as a party defendant] solely for the purpose of conducting discovery to determine the identities of C/O Wade, C/O Tanni Ruthard, Lt. Murrell, and Nurse Elesson. (Doc. 40). This matter is before the Court on defendants’ motion to dismiss plaintiff’s complaint solely as to Sheriff McGuffey because plaintiff has now discovered the full names of C/O Wade, C/O Tanni Ruthard, and Lt. Murrell who are HCJC employees (Doc. 43) and plaintiff’s response thereto (Doc. 45).

In his response, plaintiff states he has discovered the full names of three of the four defendants: Sergeant Shenessa Murrell, Deputy Kevin Wade, and Deputy Steven Tannreuther. (Doc. 45 at PAGEID 328). Plaintiff states he has not yet discovered the full name of defendant Nurse Elesson, but he is “willing to move forward for now and label her as a Jane Doe until later during discovery. . . .” (*Id.*). Plaintiff asks the Court to “amend the full names and deliver summons to . . . HCJC.” (*Id.* at PAGEID 330).

As plaintiff has now learned the identities of three of the defendants previously named in his complaint, defendants' motion to dismiss the complaint solely as to Sheriff McGuffey should be **GRANTED**. Plaintiff was granted leave to proceed against Sheriff Charmaine McGuffey solely for the purpose of conducting discovery to determine the identities of C/O Wade, C/O Tanni Ruthard, Lt. Murrell, and Nurse Elesson. The Court previously held that upon discovery of the full names of the defendants, plaintiff will be required to amend his complaint to identify them, and Sheriff Charmaine McGuffey will be dismissed. (Doc. 36 at PAGEID 265). In addition, the Court ordered that within 30 days of receipt of the four individual defendants' full names, plaintiff must file an amended complaint with the defendants' full names. (Doc. 40 at PAGEID 307).

Plaintiff is **ORDERED** to file an amended complaint with the HCJC defendants' full names within 30 days. Once he learns the full name of "Nurse Elesson" through discovery, plaintiff will be required to file an amended complaint against this defendant. Plaintiff shall file a copy of his amended complaint along with a summons and U.S. Marshal form for each newly named defendant. Once plaintiff has filed an amended complaint, the Court will screen it and direct the U.S. Marshal to arrange for service of the appropriate papers on defendants.

**IT IS THEREFORE ORDERED THAT:**

1. Plaintiff file an amended complaint within **30 days** substituting the full names of Sergeant Shenessa Murrell, Deputy Kevin Wade, and Deputy Steven Tannreuther. The **Clerk of Court is DIRECTED** to send to plaintiff a copy of his original complaint (Doc. 3) so he may substitute the correct names of the defendants.

2. Plaintiff submit a copy of his amended complaint, summons, and U.S. Marshal form for each newly named defendant within **30 days**. The **Clerk of Court is DIRECTED** to send plaintiff the appropriate forms for this purpose.

**IT IS THEREFORE RECOMMENDED THAT:**

1. Defendants' motion to dismiss plaintiff's complaint solely as to Sheriff Charmaine McGuffey because plaintiff has now discovered the full names of C/O Wade, C/O Tanni Ruthard, Lt. Murrell who are HCJC employees (Doc. 43) be **GRANTED**.

Date: 1/14/2022

  
Karen L. Litkovitz  
Chief United States Magistrate Judge

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**NOTICE**

Pursuant to Fed. R. Civ. P. 72(b), **WITHIN 14 DAYS** after being served with a copy of the recommended disposition, a party may serve and file specific written objections to the proposed findings and recommendations. This period may be extended further by the Court on timely motion for an extension. Such objections shall specify the portions of the Report objected to and shall be accompanied by a memorandum of law in support of the objections. If the Report and Recommendation is based in whole or in part upon matters occurring on the record at an oral hearing, the objecting party shall promptly arrange for the transcription of the record, or such portions of it as all parties may agree upon, or the Magistrate Judge deems sufficient, unless the assigned District Judge otherwise directs. A party may respond to another party's objections **WITHIN 14 DAYS** after being served with a copy thereof. Failure to make objections in accordance with this procedure may forfeit rights on appeal. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).